

**COSTELLO & MAINS, LLC**  
By: Miriam S. Edelstein, Esquire  
PA Id. No. 204557  
18000 Horizon Way, Suite 800  
Mount Laurel, NJ 08054  
(856) 727-9700  
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

ANTHONY PAYNE,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
vs.	:	DOCKET NO: 2:20-cv-04651-MMB
	:	
WOODS SERVICES, INC., WOODS	:	
SERVICES MEDICAL PRACTICE	:	
GROUP, LLC, ABRAHAM KAMARA,	:	
JOHN DOES 1-5 and 6-10,	:	<b>SECOND AMENDED COMPLAINT</b>
	:	<b>AND JURY DEMAND</b>
Defendants.	:	

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Plaintiff, Anthony Payne (“Plaintiff”), residing in the State of Pennsylvania, by way of this Second Amended Complaint against the defendants, says:

**Preliminary Statement**

1. This action is brought by Plaintiff to remedy violations of the Family Medical Leave Act (“FMLA”), the Families First Coronavirus Response Act (“FFCRA”) and the Pennsylvania Whistleblower Law (“PWL”).

**Jurisdiction and Venue**

2. Jurisdiction of the Court is invoked pursuant to 29 U.S.C. Sec. 216(b), 28 U.S.C. Sec. 1331, 28 U.S.C. Sec. 1332 and pursuant to the Court’s supplemental jurisdiction, 28 U.S.C. Sec. 1367.

3. Venue is proper within this district pursuant to 28 U.S.C. Sec. 1391 because all parties reside within the district.

**Identification of Parties**

4. Plaintiff Anthony Payne resides in Morrisville, Pennsylvania, and, at all relevant times herein, was an employee of the defendants.

5. Defendant Woods Services, Inc. (“WSI”) is a corporation providing integrated health care services and advocacy for children and adults with disabilities and is the former employer of Plaintiff, singly or as part of a joint enterprise, within the meaning of the FMLA, FFCRA and PWL.

6. Defendant Woods Services Medical Practice Group, LLC (“WSMP”) is a corporation providing integrated health care services and advocacy for children and adults with disabilities and is the former employer of Plaintiff, singly or as part of a joint enterprise, within the meaning of the FMLA, FFCRA and PWL.

7. Defendants WSI and WSMP (collectively, the “Woods Defendants”) are entities funded by the Commonwealth of Pennsylvania and/or its subdivisions based on, *inter alia*, the following sources of funding:

- a. As stated on their website, their funding comes from a “variety of sources including . . . home school district, county based funding, child welfare agencies . . .”

(<https://www.woods.org/admissions/faq/#:~:text=Woods%20is%20a%20private%20not,agencies%20and%20private%20pay%20agreements.>)

- b. They have received at least \$477,240 in funding from the Pennsylvania Department of Transportation since 2007 to assist with transportation of

disabled and elderly residents, which the Woods Defendants describe as “an essential aspect of daily life at Woods.”

(<https://www.woods.org/http://server4.kproxy.com/servlet/redirect.srv/slxv/sbnzaj/slmn/p1/category/grants/>)

- c. They receive funding from the Pennsylvania Department of Education, including to support opening and maintaining education facilities and as an approved program supporting deaf and blind students.

(<https://www.woods.org/wp-content/uploads/2015/11/Woods-World-Spring-2017.pdf>); (<https://www.education.pa.gov/Documents/K-12/Special%20Education/APS%20Directory.pdf>)

- d. They received nearly \$1,000,000 in funding from the Pennsylvania Department of Human Services in 2020 allocating funds received through the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).  
([https://www.dhs.pa.gov/providers/Documents/Long\\_Term\\_Care\\_Providers/Res-Hab%20Payment.pdf](https://www.dhs.pa.gov/providers/Documents/Long_Term_Care_Providers/Res-Hab%20Payment.pdf))

- e. They receive funding through Medicaid and Medicare payments for services provided to residents.

8. As entities funded by the Commonwealth of Pennsylvania and/or its subdivisions, the Woods Defendants are “public bodies” such that their employees are protected by the PWL. *See Riggio v. Burns*, 711 A.2d 497, 500 (Pa. Super. 1998) (en banc) (receipt of government funds made hospital a “public body” under the PA Whistleblower Law).

9. Defendant Abraham Kamara was, at all times relevant herein, a Director of the Woods Defendants and an individual who interfered with Plaintiff’s rights and retaliated against

Plaintiff under the FMLA, FFCRA and PWL, and is the former employer of Plaintiff, singly or as part of a joint enterprise, within the meaning of the FMLA, FFCRA and PWL.

10. Defendants John Does 1-5 and 6-10, currently unidentified, are individuals and/or entities who, on the basis of their direct acts or on the basis of *respondeat superior*, are answerable to the plaintiff in this matter.

### **General Allegations**

11. Plaintiff was employed as a Residential Counselor by defendants at their facility located at 40 Martin Gross Drive, Langhorne, Pennsylvania, 19047, from in or around June 2009 until on or about April 14, 2020.

12. Throughout the course of his employment, Plaintiff performed up to and/or in excess of the reasonable expectations of his employers.

13. On or about March 31, 2020, Defendants' manager Abdullah Kanneh held a meeting which included Plaintiff in which Mr. Kanneh notified those present that six (6) patients during the previous shift had high temperatures and had been moved to a hallway during the night.

14. On or about April 1, 2020, each of the six (6) patients with previously noted high temperatures tested positive for COVID-19.

15. Plaintiff had worked directly with each of these six (6) patients during his previous shift, and had therefore been exposed to COVID-19.

16. On or about April 2, 2020, Plaintiff spoke with his doctor to discuss his exposure and risk, and Plaintiff's doctor advised Plaintiff that he should get tested, stay out of work and quarantine for fourteen (14) days.

17. Plaintiff called the Woods Defendants to relay his doctor's advice, and was told that he could take a test they would administer at work.

18. On or about April 6, 2020, Plaintiff was tested at work.

19. On or about April 7, 2020, Plaintiff was notified by a Nurse Practitioner that his test result was positive for COVID-19, that Plaintiff must self-quarantine for the next fourteen (14) days and that the Nurse Practitioner would call him in two weeks' time.

20. During his COVID-19 illness, Plaintiff suffered from profound loss of taste, smell, aches and pains, cough and overwhelming exhaustion significantly impairing his ability to move.

21. Despite the medical directive provided by Defendants' own Nurse Practitioner, only six (6) days later, on or about April 13, 2020, Residential Director Abraham Kamara called Plaintiff and stated that Plaintiff had been cleared and need to report to work.

22. Plaintiff responded that he could not return to work yet as he had not yet completed the quarantine required following his positive test result on April 7, 2020.

23. Director Kamara responded to Plaintiff that if Plaintiff did not return to work the following day that Plaintiff's absence would be considered a call-out.

24. Plaintiff objected to Director Kamara's demand that Plaintiff return to work in contradiction of the directives from his health care providers and the U.S. Centers for Disease Control ("CDC") authority that persons testing positive for COVID-19 quarantine from the workplace for at least fourteen (14) days.

25. In accordance with that authority, and consistent with the guidance from his health care providers and guidance from the Governor and Secretary of the Department of Health

of Pennsylvania for workers testing positive for COVID-19, Plaintiff continued to quarantine and did not report to work on April 14, 2020.

26. On that same day, April 14, 2020, Director Kamara called Plaintiff and stated that Plaintiff was terminated for refusing to come to work.

27. Plaintiff's COVID-19 illness constituted a serious health condition within the meaning of the FMLA.

28. Plaintiff's COVID-19 illness constituted a qualifying reason for job-protected leave under the FFCRA.

29. Plaintiff had worked for Defendants for at least twelve (12) months and had worked at least 1,250 hours in the twelve (12) months preceding his medical absence, and, accordingly, was an eligible employee under the FMLA and FFCRA.

30. Defendants employed at least fifty (50) employees within seventy-five (75) miles of Plaintiff's work location for at least twenty (20) workweeks in the year and/or preceding year in which Plaintiff began his medical absence, and, accordingly, Defendants were covered employers under the FMLA and FFCRA.

31. Despite having notice of Plaintiff's need for leave under the FMLA and FFCRA, Defendants failed to provide Plaintiff with a notice of his rights regarding same.

32. Defendants further failed to provide a determination of Plaintiff's eligibility for leave under the FMLA and FFCRA and/or to request any information they required, if any, to make such a determination.

33. Defendants thereby interfered with Plaintiff's rights under the FMLA and FFCRA.

34. A determinative and/or motivating factor in Plaintiff's termination was Plaintiff's exercise and/or attempted exercise of his rights under the FMLA.

35. An additional and/or alternative determinative and/or motivating factor in Plaintiff's termination was Plaintiff's exercise and/or attempted exercise of his rights under the FFCRA.

36. An additional and/or alternative determinative and/or motivating factor in Plaintiff's termination was Plaintiff's protected activity under the PWL in complaining to Director Kamara that Defendants' demand for Plaintiff to return to work less than one (1) week following his positive COVID-19 test result violated federal law.

37. To the extent there is any "mixed motive," Plaintiff need only show that a determinative or motivating factor in his termination was one or more of the reasons set forth above.

38. As a result of the unlawful conduct outlined above, Plaintiff has been forced to suffer both economic and non-economic harm.

## COUNT I

### **FMLA Violations – Interference and Retaliation**

39. Plaintiff hereby repeats and realleges paragraphs 1 through 38 as though fully set forth herein.

40. For the reasons set forth above, the defendants have interfered with Plaintiff's rights under the FMLA such that they are liable.

41. For the reasons set forth above, the defendants are liable to plaintiff for terminating his employment in retaliation for exercising and/or attempting to exercise his rights under the FMLA.

## COUNT II

### **FFCRA Violations – Interference and Retaliation**

42. Plaintiff hereby repeats and realleges paragraphs 1 through 41 as though fully set forth herein.

43. For the reasons set forth above, the defendants have interfered with Plaintiff's rights under the FFCRA such that they are liable.

44. For the reasons set forth above, the defendants are liable to Plaintiff for terminating his employment in retaliation for exercising and/or attempting to exercise his rights under the FFCRA.

## COUNT III

### **PWL – Retaliation**

45. Plaintiff hereby repeats and realleges paragraphs 1 through 44 as though fully set forth herein.

46. For the reasons set forth above, the defendants are liable to Plaintiff for terminating his employment in retaliation for engaging in protected activity under the PWL.

### **Prayer for Relief**

47. Plaintiff hereby repeats and realleges paragraphs 1 through 46 as though fully set forth herein.

48. For the reasons set forth above and based on the liability of the defendants for the claims set forth above, Plaintiff demands judgment against the defendants jointly, severally and in the alternative, together.

WHEREFORE, Plaintiff prays for the following relief:

- a. economic compensatory damages;



- b. non-economic compensatory damages, including for statutory emotional distress and personal hardship;
- c. liquidated damages;
- d. pre- and post-judgment interest;
- e. cost of suit;
- f. attorneys' fees, with enhancement of same;
- g. equitable back pay, to include all lost wages, benefits, fringe benefits and other remuneration to make Plaintiff whole;
- h. equitable front pay, or alternatively equitable reinstatement, to include all lost wages, benefits, fringe benefits and other remuneration to equitably restore Plaintiff;
- i. declaration that the practices contested herein violate federal and/or Pennsylvania law as set forth above;
- j. injunctive relief ordering Defendants to cease and desist all conduct inconsistent with the claims made herein going forward, both as to the specific plaintiff and as to all other individuals similarly situated and to alter their files so as to expunge any reference to which the Court finds violates the statutes implicated herein; and

k. any other relief the Court deems equitable and just.

Respectfully submitted,

**COSTELLO & MAINS, LLC**

By: /s/ Miriam S. Edelstein  
Miriam S. Edelstein, PA Id. No. 204557  
18000 Horizon Way, Suite 800  
Mt. Laurel, New Jersey 08054  
856-727-9700  
medelstein@costellomains.com  
Attorneys for Plaintiff

Dated: March 1, 2021

**DEMAND FOR A TRIAL BY JURY**

Plaintiff, by and through his above-signed counsel, hereby demands, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, a trial by jury on all Counts in the above-captioned action.

**COSTELLO & MAINS, LLC**

By: /s/ Miriam S. Edelstein  
Miriam S. Edelstein, PA Id. No. 204557

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Second Amended Complaint and Jury Demand was served upon the following all counsel of record by and through the Court's ECF system, by which counsel can view and access the foregoing filing:

Ronda K. O'Donnell, Esquire  
John L. Lamb, Esquire  
Marshall Dennehey  
2000 Market Street, Suite 2300  
Philadelphia, PA 19103  
[RKODonnell@MDWCG.com](mailto:RKODonnell@MDWCG.com)  
[JLLamb@MDWCG.com](mailto:JLLamb@MDWCG.com)

**COSTELLO & MAINS, LLC**

By: /s/ Miriam S. Edelstein  
Miriam S. Edelstein

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

ANTHONY PAYNE

(b) County of Residence of First Listed Plaintiff BUCKS

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

MIRIAM S. EDELSTEIN, ESQ., COSTELLO & MAINS, LLC, 18000  
HORIZON WAY, SUITE 800, MT. LAUREL, NJ 08054, 856-727-9700**DEFENDANTS**WOODS SERVICES, INC.; WOODS SERVICES MEDICAL  
PRACTICE GROUP, LLC; ABRAHAM KAMARA; JOHN DOES 1-5County of Residence of First Listed Defendant BUCKS

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
FMLA, 29 U.S.C. § 2601 et seq.; FFCRA, 29 U.S.C. § 2601 et seq.; PWL, 43 P.S. §§ 1421-1428

Brief description of cause:

Interference with rights and retaliatory discharge from employment

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes    ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
03/01/2021  
SIGNATURE OF ATTORNEY OF RECORD  
s/ Miriam S. Edelstein, PA Id. No. 204557**FOR OFFICE USE ONLY**

RECEIPT #    AMOUNT    APPLYING IFP    JUDGE    MAG. JUDGE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 937 West Trenton Ave., Apt. A18, Morrisville, PA 19067

Address of Defendant: 40 Martin Gross Drive, Langhorne, PA 19047


Place of Accident, Incident or Transaction: 40 Martin Gross Drive, Langhorne, PA 19047

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: 03/01/2021
  
 Must sign here  
 Attorney-at-Law / Pro Se Plaintiff
204557

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)****A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases  
(Please specify): Family Medical Leave Act

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Miriam S. Edelstein, Esq., counsel of record or pro se plaintiff, do hereby certify:☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☒ Relief other than monetary damages is sought.DATE: 03/01/2021
  
 Sign here if applicable  
 Attorney-at-Law / Pro Se Plaintiff
204557

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

ANTHONY PAYNE,	:	CIVIL ACTION
Plaintiff,	:	
vs.	:	
	:	
WOODS SERVICES, INC., et al.	:	NO: 2:20-cv-04651
Defendants.	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>3/1/2021</u>	<u>s/ Miriam S. Edelstein</u>	<u>Plaintiff, Anthony Payne</u>
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
<u>856-727-9700</u>	<u>856-727-9797</u>	<u><a href="mailto:medelstein@costellomains.com">medelstein@costellomains.com</a></u>
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>